

Specifically, in the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following species of the present invention that he alleges to be patentably distinct from one another:

Group I, claim(s) 1-7, drawn to a nozzle plate with a first and second nozzle layer and blocking layer.

Group II, claim(s) 8-13, drawn to a nozzle plate with a single nozzle layer, a reinforcing plate and blocking layer.

Group III, claim(s) 14-15, drawn to method of manufacturing a nozzle plate.

Group IV, claim(s) 16-17, drawn to method of manufacturing nozzle plate.

Group V, claim(s) 18-20, 22-28, 30, 33 drawn to a nozzle plate with a first and second nozzle layer, discharge layer and the first nozzle hole penetrating the first nozzle layer.

Group VI, claim(s) 29, drawn to a nozzle plate with a first nozzle layer, a reinforcing plate, a blocking layer, a discharge layer and the first nozzle hole penetrating the first nozzle layer.

Group VII, claim(s) 34-39, drawn to a method of manufacturing a nozzle plate.

2. Required the Applicants to elect one of the foregoing species under 35 USC 121 for prosecution on the merits to which the claims shall be restricted in the event that no generic claim is found to be allowable.

3. Required Applicant to list all of the pending claims that are deemed to be readable on the elected species;
4. Indicated that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims directed to additional species, which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.
5. Reminded Applicants that any claims added to this application must specify the species to which they are directed.

In response to the currently outstanding requirement for restriction, **Applicant hereby elects Group V, Claim(s) 18-20, 22-28, 30, 33, without traverse** for further prosecution in the merits in this application.

Applicants also respectfully note that the Examiner's designation of the Groups from which Applicant was required to elect failed to indicate to which group Claims 31 and 32 were intended to be assigned. Applicants believe that this may be the result of an inadvertent inclusion of a comma instead of a hyphen between the numbers 30 and 33 in the designation of Claims belonging to Group V in the currently outstanding Official Action. In any event, since Claims 31 and 32 depend from Claims 18 and 23 respectively, Applicants respectfully submit that **Claims 31 and 32 should be included in the foregoing election of the Group V species**. A decision so holding in response to this submission is respectfully requested.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application. Early substantive consideration and allowance is respectfully requested.

Harukihko Deguchi  
USSN: 10/562,080  
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It is noted, however, that the Office Action did not note or acknowledge Applicant's Information Disclosure Statement of 22 December 2005, or provide the Applicant with a signed, dated and initialed copy of the Form PTO/SB/08a/b submitted therewith in confirmation of the consideration of the art listed therein. Such action is respectfully requested.

Further, it is also noted that the Office action did not acknowledge Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), and/or Applicant's submission of the required certified copies of the Priority Documents, both also in 22 December 2005. Such action also is respectfully requested.

Applicants believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: April 6, 2007

  
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SIGNATURE OF PRACTITIONER

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